

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

THADDEUS MARCELL WILLIAMS,

Defendant-Appellant.

UNPUBLISHED

September 14, 2004

No. 247135

Wayne Circuit Court

LC No. 02-010627-01

Before: Donofrio, P.J., and White and Talbot, JJ.

PER CURIAM.

Defendant appeals as of right his conviction of carrying a concealed weapon, MCL 750.227(2), entered after a jury trial. We affirm.

In reviewing a sufficiency of the evidence question, we view the evidence in a light most favorable to the prosecution to determine whether a rational trier of fact could conclude that the elements of the offense were proven beyond a reasonable doubt. We do not interfere with the jury's role of determining the weight of the evidence or the credibility of witnesses. *People v Wolfe*, 440 Mich 508, 514-515; 489 NW2d 748, amended 441 Mich 1201 (1992); *People v Milstead*, 250 Mich App 391, 404; 648 NW2d 648 (2002). A trier of fact may make reasonable inferences from direct or circumstantial evidence in the record. *People v Vaughn*, 186 Mich App 376, 379-380; 465 NW2d 365 (1990).

Absent a concealed weapons permit, a person may not carry a pistol in a concealed manner on his person except in a dwelling house, place of business, or other land possessed by the person. MCL 750.227(2). For the dwelling house exception to apply, the defendant must present evidence that the location where the concealed weapon was carried was the defendant's dwelling house. *People v Pasha*, 466 Mich 378, 382; 645 NW2d 275 (2002).

Defendant argues that the evidence was insufficient to sustain his conviction of carrying a concealed weapon. He contends that he presented evidence that he lived at the address at which he was arrested; therefore, he was entitled to the dwelling house exception. We disagree. Defendant's address on the day of the incident was a matter of dispute. A police investigator testified that defendant told her his address was 9661 Ward. Defendant maintained that he lived at 12055 Sussex and presented evidence that his driver's license and voter registration card carried that address; however, he acknowledged that he obtained those documents before he moved to the Ward address. The jury was entitled to find the investigator's testimony credible,

Milstead, supra, and to conclude that on the day of the incident defendant lived at the Ward address. The evidence, viewed in a light most favorable to the prosecution, was sufficient to support defendant's conviction. *Pasha, supra*; *Wolfe, supra*.

Evidence of other crimes, wrongs, or acts is inadmissible to prove the character of a person in order to show that he acted in conformity with it, but may be admissible for other purposes, such as to show proof of motive, opportunity, intent, preparation, scheme, plan, or system in doing an act, knowledge, identity, or absence of mistake or accident. MRE 404(b)(1). To be admissible, other acts evidence must be offered for a proper purpose, must be relevant, and its probative value must not be substantially outweighed by its potential for unfair prejudice. A proper purpose is one other than establishing the defendant's character to show his propensity to commit the offense. *People v Starr*, 457 Mich 490, 496; 577 NW2d 673 (1998).

To establish ineffective assistance of counsel, a defendant must show that counsel's performance fell below an objective standard of reasonableness under prevailing professional norms. Counsel must have made errors so serious that he was not performing as the "counsel" guaranteed by the federal and state constitutions. US Const, Am VI; Const 1963, art 1, § 20; *People v Carbin*, 463 Mich 590, 599; 623 NW2d 884 (2001). Counsel's deficient performance must have resulted in prejudice. To demonstrate the existence of prejudice, a defendant must show a reasonable probability that but for counsel's error, the result of the proceedings would have been different. *Id.*, 600.

Defendant argues that he was denied due process by the admission of unduly prejudicial bad acts evidence regarding his encounter with a resident of 9661 Ward, and that counsel rendered ineffective assistance by failing to object to the admission of the evidence. We disagree. Defendant failed to object to the admission of this evidence at trial; therefore, absent plain error, he is not entitled to relief. *People v Carines*, 460 Mich App 750, 763-764; 597 NW2d 130 (1999). A bad act can be relevant as substantive evidence and admissible under MRE 401 without regard to MRE 404(b)(1). Moreover, a jury is entitled to hear the complete story of the matter in issue. *People v Sholl*, 453 Mich 730, 742; 556 NW2d 851 (1996). The evidence regarding defendant's encounter with a resident of 9661 Ward was an integral part of the sequence of events leading to defendant's arrest. Because the evidence was admissible, trial counsel did not render ineffective assistance by failing to object to admission of the evidence. *Carbin, supra*; *People v Snider*, 239 Mich App 393, 425; 608 NW2d 502 (2000). Further, no plain error occurred. *Carines, supra*.

Affirmed.

/s/ Pat M. Donofrio
/s/ Helene N. White
/s/ Michael J. Talbot